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REMARKS

Claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249 are pending in this application, and claims 150-152, 154, 158-194, 196-198, 202-204, 206, 210-246, and 248 have been withdrawn. By this amendment, claims 147-148, 156-157, 199-200, 208-209, and 249 are amended. Thus, claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, 249 remain pending in this application. Applicants respectfully request reconsideration and allowance of the application in view of the above amendments and the following remarks.

The Examiner has maintained, and made final, the restriction requirement of claims 150-152, 154, 158-194, 196-198, 202-204, 206, 210-246, and 248. Applicants maintain their traversal of this requirement as detailed in the response filed August 8, 2005, and respectfully request rejoinder of the withdrawn claims after allowance of the application.

With respect to the Examiner's statement that the information disclosure statement filed August 18, 2005 fails to comply with the provisions of 37 C.F.R. § 1.97, 1.98 and M.P.E.P. § 609, Applicants are a bit confused as an information disclosure statement was not filed on that date. However, an information disclosure statement filed on September 21, 2004, included a European Search Report. Applicants assume this is the European Search Report in question, and herewith resubmit the European Search Report with a supplemental information disclosure statement. If additional information is needed in this regard, the Examiner is invited to contact the undersigned.

Claims 147, 148, 156, 157, 199, 200, 208, 209, and 249 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. With respect to claims 147, 199, and 249, the Examiner asserts that the phrase "accompanying conditions" is a relative phrase and is indefinite. Claims 147, 199, and 249 are amended herein to instead recite "rights conditions," which is not a relative phrase. With respect to claims 148 and 200, the Examiner points out that the term "consumer" lacks antecedent basis. Claims 148 and 200 are amended herein to instead recite "a rights consumer," which is a term that will be understood by a person of ordinary skill in the art, and does not lack antecedent basis. Furthermore, the Examiner asserts that claims 148 and 200, as well as 156 and 028, are indefinite by reciting the phrase "and/or." These claims are amended herein for clarification. With respect to

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claims 157 and 209, the Examiner points out that there is insufficient antecedent basis for the term "template." These claims are amended herein to instead recite a "specification."

Accordingly, Applicants submit that each of claims 147, 148, 156, 157, 199, 200, 208, 209, and 249 satisfy the requirements of 35 U.S.C. § 112, and respectfully request reconsideration and withdrawal of these rejections.

Finally, claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,938,021 to Shear in view of U.S. Patent No. 6,587,837 to Spagna. The Examiner broadly cites extensive portions of Shear and of Spagna in support of this rejection. However, neither Shear nor Spagna, taken alone or in combination, disclose, suggest, or render obvious, each and every feature of the pending claims.

In particular, the portions of Shear cited by the Examiner relate to an electronic "matchmaker" that matches people or organizations with their best choices, or even selects choices automatically. (Col. 9, lines 28-31). Shear further discloses a "stock the shelves" feature in which the most desirable products and/or other user desired resources are identified and stocked in a manner optimized for specific users and/or user classes. (Col. 15, lines 54-63). In addition, Shear broadly suggests the use of metadata and other content object information to control the selection process. (Col. 20, lines 1-12). However, Shear fails to disclose or render obvious a system involving a specific selection of content from a user, and the specific interactions between the publishing system and the distributor system recited in the claims.

Thus, the Examiner applies Spagna and asserts that Spagna discloses these features. However, Spagna merely discloses interactions between a content provider and a content distributor that are well-known in the art. For example, Spagna discloses that the Secure Digital Content Electronic Distribution System can be used to provide Content securely to other businesses, such as digital content-related companies that distribute Content. (Col. 13, lines 55-62). However, as with Shear, Spagna fails to disclose, suggest, or render obvious, the specific relationships between a publishing system and a distributing system as recited in the claims.

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Specifically, both Shear and Spagna, even when taken in combination, fail to disclose, suggest, or render obvious a method for publishing content, comprising receiving, by a publishing system, a selection of content from a user of said publishing system, said selection identifying an item of content; receiving, by said publishing system, a request to publish the selected content from the user of said publishing system; providing, by said publishing system in response to the request from the user to publish the content, information to a distributor system, said information comprising at least one of a description of the content, metadata of the content, content identifiers, publisher information, content repository indication and a rights specification identifier; upon receiving the information, generating, by said distributor system, a response using said provided information and one or more pre-defined rules stored in a database, wherein said distributor system uses said pre-defined rules to determine whether the distributor system is interested in the content specified by said provided information; providing, by said distributor system, the response to said publishing system; determining, by said publishing system, whether the response indicates that the distributor system is interested in the content specified by said provided information; and only if said publishing system has determined that the distributor system is interested in the content specified by said provided information, supplying, by said publishing system, metadata and a rights specification to said distributor system, said metadata including identification and descriptive data of said content, and said rights specification including at least one of usage rights and rights conditions, as is recited in claim 147. Claims 199 and 249 are also distinguishable for similar reasons. The specific interactions between the publishing system and the distributor system are among the novel features of the claimed invention, and allow the distributor system to determine whether it is interested in the content prior to receiving the content itself. These novel features would not have been obvious to a person of ordinary skill in the art at the time of the invention based on the disclosures of Shear and Spagna.

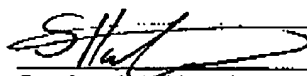
Thus, neither Shear nor Spagna, taken alone or in combination, disclose, suggest, or render obvious each and every feature recited in the claims. Accordingly, Applicants submit that claims 147, 199, and 249 are not unpatentable under 35 U.S.C. § 103(a), and respectfully request that this rejection be withdrawn. The dependent claims are also patentably distinguishable over the noted references on their own merits and for at least the reasons

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discussed above with respect to their independent claims.

In view of the foregoing, it is submitted that the present application is in condition for allowance, and a notice to that effect is respectfully requested. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned attorney to arrange such a conference.

Respectfully submitted,
NIXON PEABODY, LLP



Stephen M. Hertzler
Registration No. 58,247

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Customer No. 22204
NIXON PEABODY LLP
401 9th Street, NW, Suite 900
Washington, DC 20004
(202) 585-8000